IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 10494 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GOPALKUMAR CHANDULAL UPADHYAY

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 10494 of 2003

MR SK PATEL for Petitioner No. 1-4

PUBLIC PROSECUTOR for Respondent No. 1

MS. SNEHA JOSHI with MR KR MODH for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date of decision: 07/07/2004

ORAL JUDGEMENT

Mr. S.K.Patel, learned advocate of the petitioners and Ms. Sneha Joshi, learned advocate

appearing on behalf of respondent No.2 - original complainant jointly states that the matter has been amicably settled between the petitioners who are original accused and the respondent No.2 - original complainant and, by virtue of that settlement respondent No.2 has returned an amount of Rs.2,25,000.00 with interest to the petitioners, which were paid by the petitioners to the respondent No.2 for the purchase of the truck. The possession of the truck has been returned back by the petitioners to the respondent No.2 on 13.1.2004, which has been taken into custody by the respondent No.2 after verifying the condition of the truck. Therefore, both the parties have revoked a sale agreement of truck bearing registration No. GJ 7 Y 5598 and accordingly all the disputes in this regard have come to an end. A copy of the compromise terms is also produced for perusal of this Court which is ordered to be retained on record of this case. They, therefore, jointly submit that the petitioners as well as respondent No.2 shall approach the concerned investigating officer of Virpur Police Station who is investigating the offence registered vide CR No. I-49/2003 for commission of the alleged offences as mentioned in the said FIR and give the statement in this regard. They, therefore, urged to pass appropriate orders in this regard.

2. Since the matter has been amicably settled between the parties, if the petitioners as well as respondent No.2 approach the concerned Investigating Officer and produce the terms of compromise which is annexed in this petition, the concerned Investigating Officer shall record the statement of all the concerned parties and submit appropriate report in this regard to the learned JMFC, Bhavnagar who has a territorial jurisdiction over the alleged offences committed within the jurisdiction of Virpur town.

3. In view of the the aforesaid observations and directions, Mr. S.K.Patel, learned advocate of the petitioners seek leave to withdraw the petition. Hence, leave to withdraw the petition is granted. Petition stands disposed of as it is withdrawn. Rule is discharged. Ad interim relief granted at the time of issuance of notice shall stand vacated.

(A.M.Kapadia,J)

Jayanti*